

**Remarks:****I. Introduction**

In the Office Action mailed on November 24, 2009, the Examiner rejected claims 1 to 9, 12 to 48, and 51 to 61. Claims 3 to 5, 28, 48, and 58 have been cancelled, claims 1, 7, 12 to 15, 18, 22, 19 to 32, 47, 52 to 57, and 59 have been amended, and new claims 62 to 65 have been added. Independent claims 1, 52, and 57 have been amended to more clearly distinguish the invention over the cited prior art. Claims 7, 12 to 15, 18, 22, 19 to 32, 47, 53 to 56, and 59 have been amended for consistency with the amendments to the independent claims. New claims 62 and 63 are based on page 3, lines 27 to 29, and on Fig. 3. New claims 64 and 65 are based on based on prior claims 53 and 23 respectively. Accordingly, claims 1, 2, 6 to 9, 12 to 27, 29 to 47, 51 to 57, and 59 to 65 are now pending in this application.

**II. Claim objections**

The Examiner objected to claim 55 because a multiple dependent claim cannot depend from another multiple dependent claim. Claim 55 has been amended to depend from only claim 1. Reconsideration and withdrawal of the objection is requested.

**III. Claim Rejections to 35. U.S.C. § 112**

The Examiner rejected claims 55 and 56 pursuant to 35. U.S.C. § 112, second paragraph, as indefinite. Claims 55 and 56 have each been amended to depend from only claim 1. Reconsideration and withdrawal of the objection is requested.

**IV. Claim Rejections to 35. U.S.C. § 102(b)**

(a) The Examiner rejected claims 1 to 9, 12 to 27, 31, 34, 37, 46 to 48, 51, and 55 to 61 pursuant to 35. U.S.C. § 102(b) as anticipated by Rowland (US 3,446,530). Applicant respectfully disagrees for the reasons set out below.

The Examiner argues that Rowland discloses a seating arrangement having a plurality of seating positions, namely the first and second nested seats shown in Fig. 2. However, when Rowland's seats are stacked as shown in Fig. 2 it would be impossible to sit anywhere other than on the top seat and so Rowland only discloses a single seating position. Nevertheless, in order to emphasize this difference between Rowland and the present invention, claim 1 is amended herewith to recite that the seating positions of the invention are capable of

simultaneously seating respective passengers. Rowland's seats are not capable of simultaneously seating a respective passenger when nested as shown in Fig. 2.

The Examiner argues that Rowland discloses seating positions comprising a seat 20 having a footwell (area within legs and rails 22-27). However, it is respectfully submitted that the area with legs and rails 22-27 is not a footwell since it is not capable of receiving the feet of a person seated on the nested seats. Nevertheless, to emphasize this difference between Rowland and the present invention, claim 1 is amended herewith to recite that the respective footwell is located forwardly of the respective seat in a forward direction. The area within Rowland's legs and rails 22-27 is not located forwardly of the respective seat 20 and is not capable of receiving the feet of a respective passenger located in the respective seat.

The Examiner argues that Rowland discloses that the footwell of a first seating position (lower set in Fig. 2) is located beside the seat of the second seating position (upper seat in Fig. 2). However, the area between the legs and rails (i.e. the area that the Examiner regards as the footwell) of the lower seat 20 is below the second seating position and it is respectfully submitted that "below" is not the same as "beside". To emphasize this difference, claim 1 has been amended to qualify the word "beside" as being in the transverse direction. The area between the legs and rails of Rowland's lower seat 20 is not beside the second seating position in the transverse direction.

The Examiner argues that Rowland discloses that each seat is capable of being operated into a reclined state in which a leg-supporting component 31 of the seat projects into the associated footwell. Claim 1 has been amended to clarify that the leg-supporting component is for a passenger's legs. Rowland does not disclose that each seat is operable into a reclined state in which a respective component of the respective set for supporting said respective passenger's legs projects into the respective footwell.

The Examiner argues that Rowland discloses that the second seating position overlaps with the footwell of the first seating position in the transverse direction such that the second seating position overhangs part of the footwell of the first seating position. However, with reference to the comments made above, Applicant submits that Rowland does not disclose this feature since he does not disclose first and second seating positions each having a footwell as defined in amended claim 1.

Accordingly, Applicant respectfully submits that amended claim 1 is novel over Rowland at least by virtue of the following features:

A. a plurality of seating positions that are capable of simultaneously seating a respective passenger;

B. each seating position comprises a respective seat and a respective footwell, said respective footwell being located forwardly of said respective seat in a forward direction;

C. the respective footwell of a first one of said seating positions is located beside the respective seat of a second of said seating positions in a transverse direction being substantially perpendicular to said forward direction;

D. the respective footwell of said first seating position includes a top portion enclosing said footwell from above to define a respective console adjacent said respective seat of said second seating position;

E. each seat is operable into a reclined state in which a respective component of the respective seat for supplying said respective passenger's legs projects into the respective footwell; and

F. said second seating portion partially overlaps with the footwell of said first seating position in said transverse direction such that said second seating position overhangs part of the footwell of the first seating position along a side of the footwell.

Independent claim 57 includes the features identified above as A, B, C, D, and F and it is submitted therefore that claim 57 is novel and nonobvious over Rowland at least by virtue of these features for the same reasons as those given above in relation to claim 1.

**(b)** The Examiner rejected claims 1 to 9, 12 to 34, 36, 46 to 48, and 51 to 61 pursuant to 35. U.S.C. § 102(b) as anticipated by Dryburgh et al. (US 6,059,364). Applicant respectfully disagrees for the reasons given below.

The Examiner argues that Dryburgh discloses that the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position. Applicant respectfully disagrees. The relative arrangement of Dryburgh's seating positions can be seen in Figs. 3, 4, 22 and 25 of Dryburgh. Referring to these figures, the "forward direction" may be said to be along the longitudinal axis of Dryburgh's seats (i.e. the direction in which Dryburgh's

passenger's would face when seated), the "transverse direction" being perpendicular to this, (i.e. transversely across the seats). In the embodiment of Figs. 3 and 4 of Dryburgh the "seat" of a seating position 15, 21 is indicated as 17, 22 respectively, while the respective foot-receiving area is indicated as 18, 23 respectively. It can be seen very clearly from Figs. 3 and 4 of Dryburgh that there is no overlap whatsoever between the seat 15, 21 and respective foot area 18, 23 in the transverse direction. It follows that there can be no overhang of the seat 15, 21 and respective foot area 18, 23 in the transverse direction.

The Examiner has previously indicated that region 25 of Dryburgh's seats overhangs the footwell of an adjacent seat. However, Applicant respectfully disagrees – it can be seen from Fig. 3 of Dryburgh that the foot receiving area 18 of a seat has terminated in the forward direction before the region 25 behind and so there can be no overlap in the transverse direction, or overhang, with another seating position as defined in claim 1.

Moreover, with the embodiments of figures 3 and 4, the foot-receiving area 18, 23 is not actually a footwell. Instead it is a second seat that can be used as part of a sleeping surface when the facing seat 17, 22 is reclined (see Dryburgh column 4, lines 11-13 and Figs. 9 to 11). As a result, the foot-receiving area 18, 23 must be at the same height as the facing seat 17, 22, and this would make it impossible for Dryburgh's seating positions to be overlapped in the transverse direction. This also means that Dryburgh's Figs. 3 and 4 embodiment does not disclose a leg-supporting component that projects into the footwell.

In relation to Dryburgh's Fig. 22 embodiment, the Examiner argues that the second seating position 94 overlaps and overhangs part of the footwell of the first seating position 95. However, seating positions 94 and 95 are located in-line with one another, only being spaced in the forward direction. As such they do not fall within the definition of first and second seating positions as per claim 1. To make this distinction clearer, claim 1 has been amended to recite "said seating arrangement includes a first of said seating positions and a second of said seating positions displaced with respect to one another in both a forward direction and a transverse direction, said transverse direction being substantially perpendicular to said forward direction, such that the respective footwell of said first seating position is located beside the respective seat of the second seating position in said transverse direction." Dryburgh's seating positions 94 and 95 do not constitute first and second seating positions as per amended claim 1 since they are not displaced with respect to one another in both a forward direction and a transverse

direction such that the respective footwell of said first seating position is located beside the respective seat of the second seating position in said transverse direction. Also, amended claim 1 stipulates that the “second seating position partially overlaps with the footwell of said first seating position in said transverse direction such that the second seating position overhangs part of the footwell of the first seating position along a side of said footwell.” Dryburgh’s seating positions 94 and 95 do not overlap or overhang in this manner because they are not transversely displaced and do not partially overlap in the transverse direction. The other sets 90, 91, 92 in Fig. 22 are shown side-by-side with no transverse overlap whatsoever.

Furthermore, amended claim 1 recites that “said respective footwell of said first seating position includes a top portion enclosing said footwell from above to define a respective console adjacent said respective set of said second seating position.” None of Dryburgh’s embodiments disclose this feature: the embodiment of Figs. 3 and 4 discloses a seat/footrest 18, 23 not a partially enclosed footwell; the Fig. 22 embodiment discloses a console 99 but the console 99 is not provided by a partially enclosed foot well.

Accordingly, it is respectfully submitted that amended claim 1 is novel and nonobvious over Dryburgh’s Figs. 3 and 4 embodiment at least by virtue of the features identified above as C, D, E, and F, is novel and nonobvious over Dryburgh’s Fig. 22 embodiment at least by virtue of the features identified above as C, D, and F, and is novel and nonobvious over Dryburgh’s Fig. 25 embodiment at least by virtue of the features identified above as C, D, E, and F.

Similar comments apply in relation to independent claim 52, which is of similar scope to claim 1, as were made in relation to claim 1. In particular, claim 52 recites that “said seating arrangement includes a first of said sleeping compartments and a second of said sleeping compartments displaced with respect to one another in both a forward direction and a transverse direction, said transverse direction being substantially perpendicular to said forward direction, such that the respective footwell of said first sleeping compartment is located beside the respective sleeping surface of said second sleeping compartment in said transverse direction.” Fig. 22 of Dryburgh does not disclose this feature. Amended claim 1 also recites that “the second sleeping compartment partially overlaps with the footwell of the first sleeping compartment in said transverse direction such that the arm-receiving region of the second sleeping compartment overhangs part of the footwell of the first sleeping compartment along a

side of said footwell." None of Dryburgh's embodiments disclose this feature. Accordingly it is respectfully submitted that claim 52 is novel and nonobvious over Dryburgh.

Independent claim 57 includes the features identified above as C, D, and F and it is submitted therefore that claim 57 is novel and nonobvious over Dryburgh by virtue of at least these features for the same reasons as those given above in relation to claim 1.

(c) The Examiner further rejected claims 1 to 4, 6, 8, 9, 12, 13, 15 to 19, 24 to 27, 34 to 45, 47, 48, and 51 to 61 pursuant to 35. U.S.C. § 102(b) as anticipated by Thompson (WO 03/053735A1). Applicant respectfully disagrees for the reasons given below. Applicant respectfully disagrees.

Claim 1 has been amended to more clearly distinguish the present invention over Thompson. In particular, claim 1 has been amended to recite that said respective footwell of said first seating position includes a top portion enclosing said footwell from above to define a respective console adjacent said respective seat of said second seating position. Thompson does not disclose such a console. It is respectfully submitted therefore that amended claim 1 is novel and nonobvious over Thompson.

With regard to claim 52, Applicant respectfully disagrees that Thompson discloses sleeping compartments. However, to more clearly distinguish claim 52 over Thompson, claim 52 now recites that each sleeping compartment includes a region for receiving a passenger's arms when lying on his back on the respective sleeping surface, and that the second sleeping compartment partially overlaps with the footwell of the first sleeping compartment in said transverse direction such that said arm-receiving region of the second sleeping compartment overhangs part of the footwell of the first sleeping compartment along a side of the footwell. These features are not disclosed or suggested by Thompson and so it is respectfully submitted that claim 52 is novel and nonobvious over Thompson.

Claim 57 has been amended to recite that each seat includes a back and a base and each seating position includes a respective region for receiving the base of the respective seat, and that the second seating position partially overlaps with the respective footwell of the first seating position in said transverse direction such that said seat base-receiving region of said second seating position overlaps part of the footwell of said first seating position along a side of

the footwell. These features are not disclosed or suggested by Thompson and so it is respectfully submitted that claim 57 is novel and nonobvious over Thompson.

It is respectfully submitted that the remaining claims, being dependent on one or other of independent claims 1, 52 or 57, are novel and nonobvious over the cited prior art in view of their dependency.

However, Applicant would note the following specific comments in relation to some of the independently allowable features of the dependent claims. With regard to claim 7, this claim recites that each seating position comprises a respective region for receiving a passenger's arm when lying on the seat in its reclined state, and wherein the respective arm receiving region of the first seating position and of the second seating position overlap in the transverse direction, and wherein at least some of the arm receiving regions become wider in said forward direction. Neither Rowland, nor Dryburgh disclose seating positions that have regions for receiving passenger's arms when lying in the reclined state and which overlap in the transverse direction.

The Examiner argues that the features of claim 7 are disclosed by Rowland. Applicant respectfully disagrees since the Rowland seats cannot accommodate a passenger laying on the seat and has no region for receiving the passenger's arms while lying on the seat. The Examiner also considers that the features of claim 7 are disclosed by Dryburgh. Applicant respectfully disagrees. Dryburgh does not disclose any partial overlap of arm-receiving regions of first and second seating positions, bearing in mind that the first and second seating positions, as defined by claim 1, are displaced from one another in both transverse and longitudinal directions. The Examiner also argues that this feature is disclosed by Thompson. Applicant respectfully disagrees since Thompson does not disclose a seating position that has a respective region for a passenger's arms when lying on the seat in its reclined state that partially overlaps in the transverse direction with the footwell of another seat. The Examiner has pointed out that Thompson's armrest 34 is an overhanging component, but Thompson's armrest 34 could not receive a passenger's arms if the passenger was lying on the seat.

With regard to claim 13, this claim requires that when the seats are in the reclined state the respective backs of the first seating position and the second seating position partially overlap in the transverse direction, and wherein the back of the seat, when reclined, of the second seating position overhangs part of the footwell of the first seating position. None of the

cited prior art disclose that the back of one seat overhangs part of the footwell of another seat as a result of a partial overlap in the transverse direction.

The Examiner argues that this feature is disclosed by Dryburgh. Applicant respectfully disagrees. In none of Dryburgh's embodiments could the set base of one seat be said to overhang with the footwell of another seating position. The Examiner also argues that this feature is disclosed by Thompson. Applicant respectfully disagrees. The Examiner has argued that the armrest 34 is the overhanging component of the Thompson seat. However, there is no overlap or overhanging of the base of Thompson's seat.

With regard to claim 14, none of the cited prior art disclose or suggest a seating arrangement whereby a region for receiving a passenger's arms when lying down in the reclined state overhangs the footwell of another seating position due to a partial overlap in the transverse direction. Therefore, the feature of claim 14 is novel and nonobvious.

The Examiner argues that this feature is disclosed by Rowland. However, Rowland does not disclose a shell defining a station for a seat, or that the station partially overlaps with another station in the transverse direction to overhang the footwell. The Examiner also argues that this feature is disclosed by Thompson. Applicant respectfully disagrees. The only part of Thompson that can be regarded as an overhanging component is the armrest 34, which is not a seat station defined by a shell.

With regard to claim 17, this claim requires that the footwell of the first seating position narrows at an infected portion, the infected portion being located between the leg support component of the seat, when reclined, of the first seating position and the back of the seat, when reclined, of the seat of the second seating portion. None of the cited prior art documents disclose a footwell that narrows at an infected portion as define in claim 17.

With regard to claim 19, the Examiner argues that this feature is disclosed by Rowland. Applicant respectfully disagrees. Even though the Rowland seat is not a reclining seat, The examiner has argued that it reclines by being tiled against a wall. This could only be true if the seat is tilted rearwardly in which case all of the components of the Rowland seat would move rearwardly.

With regard to claim 24, The Examiner argues that this feature is disclosed by Rowland. Applicant respectfully disagrees. Rowland does not disclose a substantially horizontal sleeping surface when in a reclined state. The Examiner argues that Rowland's horizontal seat portion 20 constitutes the horizontal sleeping surface, but the Examiner also argues that the seat must be tilted when in the reclined state in which case there will be no horizontal portion of Rowland's seat. Similarly, Applicant respectfully disagrees with the Examiner that Thompson discloses this feature – the Thompson seat does not recline to provide a substantially horizontal sleeping surface.

With regard to claim 25, Applicant respectfully disagrees with the Examiner that Rowland discloses this feature. Not only does Rowland not disclose a shell but it does not disclose a shell for defining two seat stations in a row.

With regard to claim 29, The Examiner argues that Dryburgh discloses this feature. Applicant respectfully disagrees. None of the portions of Dryburgh's seat could be regarded as an armrest/console (25/99) overlapping with a footwell beneath the console. No component that could be regarded as a console overlaps with a footwell beneath the console.

With regard to claim 31, the Examiner argues that the features of this claim are disclosed by Rowland. Applicant respectfully disagrees. This claim requires that there is a shell shaped to define a station for one or more of said seats and to define a footwell, and that this shell includes a portion extending between adjacent seats, or adjacent a single seat, the buttress portion being shaped to define a respective footwell. The Examiner has identified the rear leg 55 as constituting the buttress portion. The component 55 is not shaped to define a footwell. With regard to Dryburgh, the Examiner argues that component 25 is the buttress portion. However, portion 25 is not shaped to define a respective footwell. It can be seen clearly from a comparison of figures 3 and 5 of Dryburgh that portion 25 does not overlap or overhang in any way with anything that could be regarded as a footwell.

With regard to claims 32 and 33, it is respectfully submitted that neither Rowland nor Dryburgh destroy the novelty of these claims.

With regard to claim 47, Applicant respectfully disagrees with the Examiner that Rowland's nested chairs can reasonably be interpreted as including first and second sleeping compartments. Nevertheless, Applicant argues that claim 47 is novel over Rowland at least by the amendments made to claim 1, on which claim 27 depends and the clarifying amendments made to claim 47 itself. With regard to Dryburgh, Applicant respectfully submits that the clarifying amendments made to claim 1, on which claim 47 depends, and the amendments made to claim 47 itself clearly distinguish this claim over the Dryburgh disclosure. Similarly, Applicant respectfully submits that the clarifying amendments made to claims 1 and 47 distinguish claim 47 over Thompson.

With regard to claim 53, the Examiner argues that the feature of this claim is disclosed by Dryburgh. Applicant respectfully disagrees. The Examiner has indicated that the part of the Dryburgh seat that he believes overhangs a footwell is the rear most portion of the seat 94 in Fig. 22. As can be seen in particular from Fig. 24, this overhanging portion of the Dryburgh seat is entirely separate from the part of the Dryburgh seat that receives the base. It is respectfully submitted therefore that Dryburgh does not disclose this feature. The Examiner also argues that Thompson discloses the feature of claim 53. However, the only portion of the Thompson seat that could be regarded as overhanging is the armrest 34 which cannot be regarded as a region for receiving the base of the seat. Therefore, Thompson does not disclose the feature of claim 53.

Similar comments apply in relation to claim 54 – in neither Dryburgh nor Thompson could the base of the respective seats be regarded as overhanging the footwell of another seating position.

The same comments that were made above with regard to claim 54 apply in relation to claim 59.

With regard to new claim 64, neither Dryburgh nor Thompson disclose the features of claim 64 for the same reasons as given above in relation to claim 53.

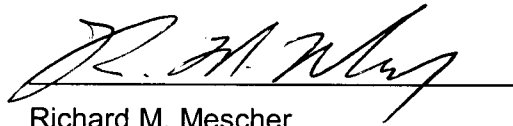
With regard to new claim 65, neither Rowland, Dryburgh or Thompson disclose a footwell having a top portion enclosing the footwell from above to define a respective console adjacent said respective seat for the same reasons as given above in relation to claim 1.

One advantage of the claimed seating arrangement is that it allows the width of the seating to be maintained in the transverse direction which allows construction of a seat capable of reclining, for example to a horizontal bed, and also allowing an increase in seat count within a given floor area.

## **V. Conclusion**

Allowance of the application is respectfully requested. If it is found that that the present response does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. M. Mescher", written over a horizontal line.

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